## ISLAND LOCALS.

Governor lankea after a short illness is

Viscount Torie has been appointed Japanese Vice-Consul at this Port

Mr. A. Rosenberg has been appointed Appraiser of Goods at the Custom House. The shooting gallery on Fort street has been discontinued, and in its stead is a ten-

Capt. Staples, of the Moi Wahine, reports the whale bark J. A. Howland off Hamakua

with a large sperm whale. Saturday morning the tag Pele went to Pearl River to bring up Mr. E. D. Preston of the U.S. Survey and party.

The Rev. A. H. Smith, filled the pulpit in Fort-Street Church Sunday forenoon. Mr. Smith and family sail soon for China in the ship Mercury.

Two supposed slight shocks of earthquake were reported by several people as being felt in town on Friday morning during the preralence of the rain storm.

The GAZETTE returns thanks to Mr. Raff-erty of Pahala, Kau, Hawaii, for very full notes of the earthquake shocks and other interesting data from that section.

called for bids for a large supply of materials, probably for the "navy." "Naval affairs "seem to be "booming" with a vengeance. Mr. John T. Dare, ex-Attorney General,

has decided to return to San Francisco. Mr. Lewis J. Levey sold the household forniture on Tuesday last, the sale realizing \$1,100. Mr. Lewis J. Levey will soon remove to the orions Auction Rooms recently occupied Mr. J. Lyons, corner of Fort and Queen street. This is one of the finest locations in

The Hanasian Chinese News has appeared in a gala costume of scarlet ink this week in honor of the new year. The Chinese News

Company are evidently alive to the spirit of The Chinese Wednestlay last very generally resumed business after their New Year's holi-day of one week. John looks fresh and hearty after his "little time" "Him heap

Pacific Hose Company have appointed M. D. Monsarrat, J. W. McDonald, and A. H. Rasemann, as a committee to make arrange ments for the annual parade on the 12th

J. H. Mahoe and E. Strehz have been appointed agents to take acknowledgements to labor contracts, the former for the district of Hanaisi, and the latter for the district of Kaloa, Island of Kauai.

Mr. J. J. Williams, the photographer, has been appointed special passenger agent for the Wilder Steamship Company. This is a good appointment, and no one is better able to direct the tourist as to points of interest

That was a "cheeky" job of the fellow who "nipped" the Beak's umbrella from right under his nose, last week during the prevalence of the rainy weather. If caught, he ought to be made an example of as a warning to other evil doers.

Jacob Holck, an old resident of Honolulu, died recently at Punolnu, Hawaii. Out of respect to his memory the flags of the various engine companies were flying at half-mast. Deceased was formerly a member of Engine Company No. 1, and had many friends.

The Princess Likelike, who has been seriously ill for some months past, felt well enough to come into town the early part of last week. Unfortunately the exertion has been followed by a serious relapse. Drs. R. Mckibbin and Trousseau are in attendance.

General Comly, for some years U.S. Minister resident in Hawaii, has written a short Christmas story for his paper, the Toledo at Telegram. The story is entitled "Two little stow-a-ways in Honolulu," and contains some few sketches of scenes in and

Mr. T. A. Lloyd, Road Supervisor for the Island of Oahn, has just completed a new bridge at Laie, sixty feet long, which is highly spoken of by the traveling public. If Tomay was transferred to the Kona district, there might be some hope for the Esplanade

The steamer Australia will leave San Franeisco to-morrow for Houslatu, and may be looked for here on the the 9th. The Austra-The first steamer mail for the Coast will go forward by the Zealandia, from the Golonies, due on the 11th.

Dr. H. Johnson Speer, of San Francisco renown, and who figured in Honolulu for a short time, has turned up at Otago, New Zeuland. The doctor had a full page ad, in the Orago Witness. Wonder whether he has indicated the confiding colonists into his methods of playing poker.

The employees of the Surveyor General's office have turned out two maps of the Kau district, showing approximately the position of the new flow. One of them is lettered in English, the other in Hawaiian. They are view in Mr. Soper's window, Gazette block, Merchant street.

A solle prosequi was entered in the case of Chinese brought up for breaking the Marshal's regulations relative to firing fire-crackers and bombs. The true inwardness of the matter is that the regulations would not hold water. It is stupid to make regula-th as and then not be able to carry them out.

Papleasant little dance was given on Friday roung at the residence of Mrs. Robertson, Emma Square. The event celebrated was the birthday of Miss Gracie Robertson and a most enjoyable evening was spent by the youthful guests. The Gazette wishes Miss Robertson many similar happy returns of

The Leleiohoku Guards (cavalry) meet on Thursday evening and reorganized conforming to the new military regulations, recently. The company also elected the following offi-cers: Captain, W. S. Wond: First Lieuten-ant, Jas. I. Dowsett, Jr.: Second Lieutenant, W. R. Holt; Sub-Lieutenaut, Thus. K. Na-

The weather the latter part of the week has been far from pleasant out—lots of mul-with plenty of rain accompanied by heavy thunder and vivid lightning. This distur-bance of the elements is, no doubt, due in a great measure to the machinations of Mad-ame Pele, who is now holding one of her re-

Reckless driving still seems to be in vogue Last week two cases were summarily dealt with by the Police Justice, which it is hoped will prove a lesson to the others. It is only fair to state that these two drivers were Chinese—there are others, however who require the pedestrian to sit on the fence while they are passing.

A carioon appears in Soper's window of the first Hawaiian man-of-war-the "Hoonnihilo-Expensive"—making Samoa in a heavy blow. The scene is ludierous in the extreme, with a fair prospect of the vessel being dashed on the rocks of a lee shore. The vessel should have properly been named—"Hawaiian Folly"—which she will eventually

the insurance companies have burst forth Almanaes and illustrated Annuals this Autual go up by the Pacific is very neat aining letter

published by the New York Life Insurance Company. The illustrations are really good, and a photogravure frontispiece is really a work of art. Advertising is taking very rapid

Sunday, February 6th, will be the great day among the Chinese. On that day the Emperor Kong See Wong will be 17 years of age and will assume the reins of government. The Empress, who has acted as regent during his minority, will resign her power and retire into private life. The Chinese residents here will probably celebrate the event in a suitable manner.

On the 17th ult., the subscribers to the Ki-On the 17th ult., the subscribers to the Kipahulu Sugar Company voted to accept the Charter of Incorporation granted to them and their successors, under the corporate name of the "Kipahulu Sugar Company," and elected the following officers to serve during the ensuing year: President, J. F. Hackfeld; Vice-President, H. F. Glade; Treasurer, E. Muller; Secretary, H. Lose; Auditor, O. Unna. Auditor, O. Unna.

On Tuesday last Mr. Thomas J. Mossman, dealer in crockery, corner of King and Nuu-anu street, filed his petition in bankruptcy, before Mr. Justice Preston, at Chambers. A hearing in this case was heard January 25th, meanwhile the Marshal has taken pos of the property of the alleged bankrupt. Yesterday, the Court, between 10 a. m., to 12 m., heard proof of claims and elected as-

Port Captain King, of the Wilder Steam ship Company, had a big job on hand to dis-charge and get the Steamer Kinau ready for " The military and navy Department "has her excursion trip yesterday. In less than twelve hours all the sugar was out of the steamer, and ready for outward freight. The Kinau sailed promptly on time yesterday on her excursion trip. The stgamer had a very large list of Saloon passengers, many having to content themselves with a mattress.

Marshal Kanlukou, who is using every means at his command to make the police force as efficient as possible, will to-night commence a new service in the suburbs, detailing four mounted policemen to patrol the plains, Nuuanu Valley, rnd Palama. This new departure cannot fail to be thoroughly appreciated by the residents in these isolated sections, and the Marshal is deserving of the thanks of all.

Rev. E. P. Baker started from Hilo for the Volcano, Mokawoewoe and the line of the

The brig Hazard, Capt. Goodman, cleared from Hilo for San Francisco, on Thursday, Jan. 27th, with a full freight—450 tons of sugar, 10 tons of hides and personal effects and 4 passengers. The sugar taken by the Hazard was divided as follows: 210 tons sugar from Waiakea Mill Co., 240 tons sugar from Passi kon Spear Co. from Papai kou Sugar Co.

an eminent success, eliciting great praise from those who had an opportunity of at-tending. The young ladies are very efficient. Honolulu should try this.

The "Laterary and Social Club" of Wailuku gave an entertainment on the evening 27th instant at the house of Dr. Sut-The occasion was thoroughly enjoyable both in its literary and social features.

#### Kapiolani Park Association.

A meeting of the Kapiolani Park Associa-tion was held on Saturday, January 19th, when the following members were elected on

the committee:
H. Macfarlane 145, A. S. Cleghorn 144;
Cecil Brown 142; Frank Brown 103; James
Campbell 92; H. J. Nolte 78; G. West 77.
The number of votes represented was 147.
Required for election 75. The meeting ad
journed till Monday, when the rest of the

committee was filled.

Yesterday the following gentlemen were elected Trustees of the Kapiolani Park Association: Hon. H. A. Widemann, W. G. Irwin, J. H. Paty, Esqrs, and Gen. J. O. Dominis.

## For the Volcano.

On Saturday, the 22d, after the arrival of the Kinau with news that there was an eruption on Manna Loa, every one who could spare the time determined to visit the flow. news at that time was rather meager, but not-withstanding the steamer Kinau which sailed on her volcano trip on Monday, had all the passengers she could conveniently carry. The arrival of the steamer W. G. Hall, on Tuesday, brought later news of an extensive flow just west of the old 1868 flow in Kau, passing close to the ranch of G. W. C. Jones, and running into the sea, accompanied by severe and almost continuous earthquake shocks. On the receipt of this last information, the Wilder and inter-Island Steamship Companies, immediately organized excursion trips to the scene of the flow. The first excursion went by the W. G. Hall, sailing last Friday, and accommodate. those who went by her: — Blum, E. C. Mac-farlane, Clarence Macfarlane and wife, H. Koch, Miss Chapin, Miss Hurd, J. F. Hackfeld, E. Muller, Chas. Furneaux and wife, J. feld, E. Muller, Chas. Furneaux and wife, J. G. Clevior, Godfrey Brown, Robert Grey, G. H. Fanning, J. T. Waterhouse jr., and son, Major Benson, Miss Guliek, Miss Shattack, J. Hopp, Mrs. J. Warren, Mrs. Z. K. Myers, Miss Swanzy, Miss Judd. F. E. Swanzy, J. O. Carter, Miss Nellie Waterhouse, Miss A. Jones, Miss Reviews (Wissen Carter J. Savides Mrs. Miss Benson, 2 Misses Carter, J. Savidge, Mrs. Thrum and son, Miss Emily Wall, J. Green, Messrs. Hastie, Plum, Albert McGurn, P. J. A. Gonsalves and Willie Smith.

The Kinau sailed yesterday with a very large list for the same destination. Shortly after it was known that this fine vessel would make an excursion trip around Hawaii, stopping a night and a day opposite the flow, ap plicants for berths and rooms came in thick and fast, and finally after all the cabin accommodations became exhausted, plenty were willing to put up with a mattrass on the deck. The following is only a partial list of the Kinan's crowd: Dr. Carter, F. Lewis, L. A. Thurston, H. B. Saylor, Mrs. Crooks, J. W. Luning, Geo. Engelhardt, Ed. McInerny, J. McInerny, A. L. Shaw, F. Gertz, Jack Dow-sett, L. M. Mather, Chas. Creighton, G. H. Tweedie, N. D. White, J. B. Castle, R. Grieve wife and daughter, Dr. McGrew, Miss K. Mc-Grew, T. McGrew, J. H. Paty and wife, Miss Emma Dudoit, Miss Eva Putnam, Miss May Blackwell, Rev. E. C. Oggel, Mrs. Widdifield, Miss Renwick Miss Snow, Miss Steward, Miss Moore, Mrs. Lee, E. Weight, Jas. Love, Geo. Bruns. G. West and wife, Major F. J. Hills, E. L. Marshall, Jas. Steiner, A. E. W. Gilbs, E.J. McChesney, W. King, C. Widemann, H. Dungan, Jno. Wright, A. F. Judd and three children, Miss Mary Saxon, Mrs. Andrews, Wm. Lucas, E. S. Edison, Jas. Hunt, Frank

Intyre, Miss Katie McIntyre. the visitor a night view of the flow. The Ki-Thursday; will leave Hilo at 12 m.; passengers then take the Hawaiian Railroad for Niulii, and will return to Mahukona at 3 p. m., touching at Makena at S p. m.; Maalaea at 9 p. m., Lahaina at 11 p. m., arriving in Honolulu at

a. m. on Saturday. On Wednesday the passengers who so de-sire will be landed to examine more closely the details of the flow. This is probably one of the cheapest excursion trips here or else-

In The Supreme Court of the Hawaiian Islands-October Term 1886. Jury Waived.

Before PRESTON, J.

In the matter of the widening of Fort street, Honolulu. H. Bradley's Appeal.

DECISION.

This is one of six appeals brought against the awards of Commissioners for assessing compensation to be paid to the owners and occupiers of property taken by the Government for the purpose of widening Fort Street, Honolulu, and to determine the amount of benefit accruing to each estate by reason of such widening.

The facts being substantially the same in all the cases it was agreed, that the matters of law involved in this case should first be determined and that the decision therein

should govern all. In order to understand the nature of the appeal, it is necessary to consider the course

of legislation on the subject. Sections 184, 185, 186 and 187 of the Civil Code are as follows:

"Section 184. Upon the request of fifty or more poll tax-payers, of any district, to the Minister of the Interior, that a new road be opened, or that an old road te shut up in 'that district, said Minister may appoint a 'jury of twelve persons to decide on the "propriety of the massure proposed, and "their decision, when agreed to by at least "nine of said jury, may be acted upon by "the road supervisor of such district."

"Section 185. In laying out any new road or highway, respect shall be had to the irrivate vested rights of property, which any 'individual may have in the land over which said road or highway shall be intended to pass. It shall be the duty of the road supervisor, immediately after such new road or highway shall have been determined upon, to cause notices to be posted along the line of the same, advertising the fact, and calling upon all parties interested therein, to bring forward their claims to the nearest Circuit Judge; and it shall be the duty of such Circuit Judge, to forward a list of such claims to the Minister of the Interior.

"Section 186. Upon the receipt of such "claims, the Minister of the Interior may appoint a commission of three disinterested persons, to assess the value of the private property so required for the public use, and also the damages, if any, likely to be sustained by the owner, whose decision shall determine the price to be given by the Government for such private property; and said commission shall send a certified copy of their decision to the Minister of the Inte-"rior, and another to the party making the "claim."

"Section 187. Upon the delivery of said decision to the owner of the land, the property assessed shall revert to the Govern-ment for the public use intended, without further conveyance; and the holder of such decision shall present the same to the Min; suant to the provisions of the next succeeding Section.

The law as it then stood, made no provision for altering or widening roads or highways, and it would seem that in the cases provided for, the Minister was not an thorized to pay any claims until the amount had been ascertained by the Commissioners, and that he might issues one general com-mission to assess the amount payable to all the claimants.

in the year 1870, an act was passed "To provide for the assessment of a part of the expense of constructing roads upon estates benefitted thereby."

Section 1 of this act provides that

"Whenever a commission shall be appointed within the electoral districts of Honolulu and Hilo, pursuant to the provisions of the 186th Section of the Civil Code, to as-"sess the value of private property, required "for public use, in the laying out of a new "road or highway, the commission shall determine what estates are especially benefit-ted by such road or highway, and the amount of special benefit accruing to each.'

Section 2 provides that "The commission shall award the proportion of the whole expense of laying out and constructing the proposed road or highway, which ought to be assessed upon estates benefitted, and the proportion to be paid

'The commission shall report, in writing "to the Minister of the Interior, the whole "amount which ought to be assessed upon estates benefitted, and the amount special benefit secruing to each estate; and thereupon, the Minister shall cause to be computed the rateable proportion of cost, to be borne by each estate, in excess of "the assessed value of any portion of the same estate, which may be required for the 'proposed highway."

The statue then provides for the filing of the certificate of computation with the Registrar of Conveyances, and makes the amount due to the Government a charge upon the estate, and provides for service of a copy of the certificate upon the owner of the and for a sale of the property upon default in payment.

i payment. This statue provides for an appeal to the Supreme Court by any person aggrieved, and the appeal is brought by virtue of this statute.

In 1872, the law was altered in some most essential particulars, and the mode of procedure substantially altered. By this last mentioned law Sections 184. 185, and 186, of the Civil Code are amended

to read as follows: 184. "Upon the request of fifty or more tax-payers of any district to the Minister of the Interior, that a new road, highway or street be opened, or that an old road highed, or if it shall be made to appear to the Minister of the Interior in any eny, that any road highway or street should be opened widered or otherwise altered, the said Minister of the Interior shall request any Judge of a Court of Record to select a list of twenty-four names, from among the legal voters of the district in which the improvement or alteration is contemplated, from which such Judge shall direct the Marshal of 'the Kingdom, or the Sheriff of the Island in 'which the improvement is contemplated, to draw a jury of six persons to decide on the propriety of the measure proposed, and the decision of such jury or a majority of them shall be certified immediately to the "Minister of the Interior, who is hereby "authorized and empowered to take action "in accordance with such decision of such

185. In laying on: closing or widening 'any road or highway, respect shall be had to the private vested rights of property which any individual may have in the land affected by any such proposed work. It shall be the duty of the road supervisor immediately after such proposed work shall be determined upon to cause notices to be posted along the line of such proposed new road, street, or higheray proposed to be closed, opened, or widened, or altered, advertising the fact and calling upon all parties interested therein, to bring forward their "claims to the nearest Circuit Judge, Police" or District Justice, and it shall be the duty of such Judge or Justice to forward a list of all such claims to the Minister of the "Interior."

186. "Upon the receipt of such claims, "
the Minister of the Interior and the several leadmants cannot agree upon the amount to be paid to such claimants, the said Minister had been made.

I have no hesitation in holding that those leading that those leading that those leads are these disjuterested persons as Commissioners, or may request any Judge of a Court of Record to cause a jury to be suminoned and drawn in like manner as in the first section provided, 184) to assess the value of the private property, or such damand likely to be sustained by the owner or occapier of any land to be taken for the proposed improvement, schose decision or the majority of them shall determine the price to be given by the Government for such private property or for each damages as the case may be, and such Commissioners or Jury shall "send a certified copy of their decision to "the Minister of the Interior and another The law further provides that all the pro-"to the claimant."

visions of said law of 1870 shall apply to the lutely necessary that the Commissioners

the Jury shall have the same powers as the Commissioners provided for it that Act

On the 22d of March, 1886, the Minister of the Interior, acting under the powers conferred upon him, addressed a request to the Chief Justice stating that it had been made to appear, to the Minister, that Fort Street, between King and Merchant Streets, should be widened, and requiring the Chief Justice "to cause a jury to be selected in accordance with the standard of the sta with law to decide upon the advisability of

"the proposed improvements."

The Chief Justice thereupon issued an order to the Marshal to draw a jury as required and directed the Marshal to certify the finding of the jury to the Minister of the

The Marshal drew the jury from the list of twenty-four voters selected by the Chief Justice, and attended with them on the 23d March to view the locality, and the jury hav-ing recommended the proposed alteration, the Marshal certified the same to the Minister of the Interior.

It was contended on behalf of the appellant, that these proceedings were irregular on the grounds:

 That there was nothing on the record to show what caused the Minister of the Interior to widen the street. If not upon a petition by fifty tax payers, then it should appear on record in what other way it was made to appear to the Minister that the street required widening.

2. That the Marshal should not have certified that the Marshal should not have certified.

tified the finding of the jury to the Minister, but the verdict should have been certified under the seal of the Court. I am of opinion that these objections are

not sound, and that up to this time all the proceedings were regular and in accordance With regard to all the subsequent proceed-

ings taken, a careful consideration of the law and the various papers and documents put in evidence, lead me to the conclusion that the award of the Commissioners cannot I will therefore set out the proceedings which I consider the law requires to be

taken, and point out where, in my opinion, the law has not been observed. After the certificate of the finding of the jury has been filed with the Minister and the work has been determined upon, it becomes the duty of the road supervisor to cause notices to be posted along the line of road calling upon all parties interested to forward their claims &c.

The road supervisor did post a notice pur-porting to be in conformity with the statute, but such notice so far as is necessary to set it out only notified "all owners of property to send in their claims" so that occupiers and lessees who are not within the terms owners were not notified, as they would have been had all persons interested been notified

as required by the statute. In accordance with the notice given by the road supervisor the appellant (Bradley) and three other owners of property, viz., W. E. three other owners of property, viz., W. E. Foster another appellant and Mrs. Lack and A. L. Smith filed their claims with the Police Justice—Bradley claiming \$6,000. These claims were forwarded by the Police Justice to the Minister of the Interior on the

27th March, 1886. On the 30th March the Minister of the Interior purporting to act under the laws be fore mentioned appointed R. F. Bickerton, M. P. Robinson and S. M. Damon a "special Board of Commissioners to consider the claims and to assess the damage likely to be sustained by the owners and occupiers of land to be taken, and to determine what estates are especially benefitted, and the amount of benefit accruing to each by rea-son of the widening of Fort Street between

Merchant and King Streets."
"To do and perform all the duties set forth in said laws and all other laws of this Kingdom which are applicable to such com-

It was objected on behalf of the appellant that it did not appear from the record that the Minister of the Interior and the several claimants were unable to agree upon the amounts to be paid to the claimants.

By Section 186 of the Civil Code before it

was amended, it would seem that upon the receipt of the claims, the Minister had no discretion as to settling them, but that he was obliged to appoint a Commission to asserting the amendation of the commission certain the amount payable. This was altered by the Act of 1872 amend-ing the Section and I am of opinion that by such amendment the Minister was precluded from issuing a commission, unless the Minis

ter and the claimant had disagreed as to the amount payable, and that some endeavor should have been made by the Minister to adjust the amount, or notice given to the claimant that the Minister considered the amount claimed to be excessive.

An attempt was made at the trial to prove this by the evidence of Mr. Gulick (the Minister of the Interior at the time these pro ceedings were taken) who testified "After re "ceiving the claims there was a disagree

ment between the Minister and the several "claimants—Bradley's was greater than I "thought to be just by myself." On cross-examination, the witness admitted that the conversations which he had with Bradley were on the street and after the notice of appeal was given.

Under these circumstances I am of opinion that the appointment of the Commission was invalid, and I might here rest my judg

But the other questions raised are so portant to the public that I deem it best to deal with every point raised.

On the 31st March the Commission reported to the Minister and awarded for damages to the appellant "H. Bradley for 245 square feet @ \$6, \$1,470." The other claimants were also awarded

damages at the rate of \$4.50 per square foot.
The Commissioners recommended that the expenses of altering buildings should be paid by the Government. The Commissioners also adjugded to be paid by the several properties therein men-tioned for betterments the sum of \$5 per

foot frontage for owners and \$2.50 per foot for tenants. Bradley's share amounted to \$232.75. The Minister of the Interior then computed the amounts payable to each claimant and the amount payable by estates benefitted. The amount payable to claimants for dam-

ages being \$2,491.50 and the amount to be paid by the several owners and occupiers for enefits being \$2,847.15. In assessing the various amounts the Commissioners, did not see any of the parties interested, or take any evidence in support of the claims, but merely examined the prop-erties and used their own judgments as to

the amount of damage &c. This I believe had been the usual and customary course taken by Commissioners in like cases.

The Commissioners did not forward to the claimants a copy of their award and the first the claimants knew of it was by receipt of a notice from the Minister dated the 1st April notifying the parties of the amounts receivable or payable by them.

The Minister filed his computation with the

supposing the proceedings to have been valid, was to vest the several properties proposed to be taken in the government without further conveyance. It was objected in behalf of the appellants that the award of the Commissioners was premature in that no computation of the expense of widening the street, and laying it out had been made, and that it did not appear that any such computation had been furnished the Commissioners. (See law of

I cannot conceive that it was the intention of the Legislature that any person should be deprived of his property, or that his property should be charged with the payment of large sums of money for so-called benefits, without giving him an opportunity of being heard in support of his claim or against the charge

It was the duty of the Commissioners, acting as they were, to a certain extent, in a ju-dicial capacity to appoint a time and place for hearing the parties interested, to hear such testimony as might be adduced.

widening or altering any road &c., and that should have been furnished with a computation of the estimated cost of the work, as otherwise it was impossible for them to com-pute the amount "to be paid by the public treasry," which indeed the Commissioners did not compute.

It appears to me that by the amendment of Section 186, the Legislature has rendered it impossible for the Commissioners, or a jury appointed to assess damages sustained by parties whose property may be injured by the work, to assess the amount of benefits accruing to their estates, (even supposing the law authorizes such assessment) but that in cases where it is thought proper that such assessment should be made a separate com-mission should issue, but this is not a matter brought up by this appeal.

The Constitution provides that no person shall be deprived of " "property, without due process of law," and it is undoubted law, that when a statute confers upon the government or other parties, the right to take another's property for public purposes, every form and particular required by such statute must be complied with. If property could be taken under such a

procedure as was used in this case, the Constitution woul be violated in one of its essential parts. My judgment is that all the proceedings after the filing the finding of the jury are null and void and consequently the appeal is sus-

If I had the power I would order the certificate of computation now on record to be cancelled, but I must leave the parties to take such steps for that purpose as they may be

Government. Honolulu, January 25th, 1887.

#### Celso Casar-

Celso Cesar Moreno every now and then notifies that he is in the land of the living. By last mail he forwarded to this city number of copies of an open letter to the King. It is redolent of the usual Moreno style and deals in adjectives usque ad nau-seam. The object of the letter is to obtain the money advanced by Moreno for the sup-port of Booth, Boyd and Wilcox. His re-marks upon the present Minister of Foreign Affairs are by no means flattering. The document is so abusive that it defeats its own object. The same facts put forward calmly and dispassionately would be most damaging to our Government.

#### Death of Mrs. Oeding.

Mrs. Caroline Oeding died suddenly at her residence, 87 Punchbowl street, on Monday evening January 24. Mrs. Oeding has been in delicate health for some months, but she seemed comparatively well during the day. Shortly after retiring, she suddenly expired, the cause being heart disease. The funeral took place on Tuesday, the Rev. E. C. Oggel officiating. Mrs. Oeding had been an examplary wife and mother, and will be mourned by a large circle of friends. The deepest sympathy is felt for her bereaved husband and her son, both of whom were devotedly attached to her.

### New Advertisements.

NOTICE.

THE ANNUAL MEETING OF the stockholders of the HAWAHAN RAMIE COMPANY, (limited) will be held on the 14th of February next, at the office of A. J. Cartwright, Esq., Honolulu, at 2 o'clock P. M. W. F. ALLEN, Secretary H. R. Co, January 31, 1887.

Election of Officers. ATTHE ANNUAL MEETING A of the stockholders of the HAIKU SUGAR COMPANY, held at the office of Castle & Cooke, January 29th, 1887, the following officers were

elected for the ensuing year: President ... H. P. Baldwin Vice-President ... S. M. Damon Treasurer ... Hon. S. N. Castle Secretary ... J. B. Atherton Auditor E. W. Peterson J. B. ATHERTON. Secretary H. S. Co.

Election of Officers. T THE ANNUAL MEETING A of the stockholders of the KOHALA SUG-AR COMPANY, held at the office of Castle & Cooke, January 31st, 1887, the following officers

Treasurer Hou, S. N. Castle Secretary J. B. Atherron Auditor C. M. Cooke

were elected for the ensuing year:

## NOTICE!

NOTICE IS HEREBY GIVEN if was voted to accept the Charter of Incorpora-tion granted to them and their successors under the corporate name of the KIPAHULU SUGAR COMPANY on the 17th day of January, 1887, and that said Corporation under said charter there-upon organized itself and elected the following

Mortgagee's Notice of Foreclosure and of Sale.

IN ACCORDANCE WITH A power of sale contained in a certain mort-gage made by W. C. Akana to Chas. M. Cooke, Telstee, dated the 14th day of May, 1885, recorded Trustee, dated the 14th day of May, 1885, recorded in Liber W page 243. Notice is hereby given that said mortgages intends to foreclose said mortgage, for condition broken, and upon said foreclosure will seil at public auction at the sales, room of E. P. Adams & Co. in Honenin, on SATURDAY, the 28th day of February, 18N, at 12 m, of said day, the premises described in said mortgage as below specified.

Further particulars can be had of W. R. Castle, Attorner at Law.

CHAS. M. COOKE, Trustee,

Mortgagee.

Fremises to be sold are:

Premises to be sold are: Fremises to be sold are:
All that certain tract or purce) of land situated at Iwilei. Honofain, Oahu, containing an area of 244 square fathoms, and being the same premises more particularly described in Royal Patent No. 4128. L. C. Award 348 to Upal, and conveyed to said W. C. Akann by deed of Puu, recorded in Liber 73, page 256.

Mortgagee's Notice of Intention to Foreclose.

NOTICE IS HEREBY GIVEN NOTICE IS HEREBY GIVEN
that pursuant to a power of sale contained
in a certain indenture of mortgage, dated Nov. 1,
1884, made by W. K. Moi and Kanmekekol Moi
(w.) to Charles Wall, all of Ksu. Hawali, and of
record in Liber 10 pages 120 and 321, and assigned
by the said Charles Wall to C. Meinecke, of Walchinn, Kan. aforesald, by deed of assignmentdated October 28th, 1886, and recorded in Liber 10
on page 320; the assignee of said mortgage intends to foreclose said mortgage for condition
broken, to wit: the non-payment of both principal and interest, that all and singular the lands,
tenements and hereditaments and the goods and
chattels in said mortgage named and described, Registrar of Conveyances, the effect of which, tenements and hereditaments and the goods and chattels in said mortgage named and described, will after the time limited by law be sold at public anction on account of the breach of the conditions as hereinbefore mentioned.

C. MEINECKE,

Assignee of the Mortgage,
Per Jona Austin, his Attorney,
Honolaiu, January 31, 1887.

The property in said mortgage described is as follows:

follows:
1-All that piece or parcel of land situate at Walohinus, Kau, aforesaid, and described in Royal Patent No. 6846. L. C. A. 10203, to Mahiai, and containing 1 8-10 acres, the same being the premises conveyed to W. K. Mol by deed dated July 10, 1873, and recorded in Liber 40 pages 339 and 340.

and 340.

2-All that piece or parcel of land situate at Watchinu, aforesaid, and described in Royal Patent 6647, L. C. A. 7694, and containing 10.4-10 acres, the same being the premises conveyed to said W. K. Moi. by deed dated May 18, 1872, of record in Liber 30 on pages 438 and 439. 3-2 Wooden Buildings situate at Walohina. Kou, Hawaii. 4-7 Horses and 3 Mares.

Auction Sales.

BY LEWIS J. LEVEY.

## LEWIS J. LEVEY Real Estate

# **GENERAL AUCTIONEER**

No. 40 Queen Ot., opp. M. Orighamm & Co.'s.

Personal attention given to the sale of Fur-niture, Real Estate and General Merchandise,

## REMOVAL!

The undersigned begs to inform his friends, that he has removed to the large and commodious building, corner of Fort and Queen Streets, where he will be pleased to attend in future to any busi

LEWIS J. LEVEY,

Honolulu, February 1st, 1837.

# W. A. Whiting and Cecil Brown for appellants; A. Rosa, Deputy Attorney-General for Regular Cash Sale!

ON THURSDAY, FEBY. 3D At 10 a m at Salesrooms, corner Fort and Queen Sts, a large assortment of

# MERCHANDISE

Consisting of Full Lines of

Potatoes, Sngar, Corn and Onions, Kerosone Oil, Bine Mottled Soap, Groceries, etc.

Gent's Clothing, Dry Goods,

Crockery, Glassware

I Fine Tone Sq. Piano

HOUSEHOLD FURNITURE, AND ONE FAMILY PHAETON.

LEWIS J. LEVEY, Auctioneer.

Mortgagee's Notice of Sale.

WHEREAS STEPHEN SPEN-CER, mortragee in a certain mortgage made by W. L. Holokahiki to said Stephen Spencer, dated the 17th day of April, 1871, recorded in Liber 50 on pages 90 to 62, has here-to-fore duly forclosed said mortgage in accordance with the power of sale therein contained and the provisions of the Act of 1874, now, therefore by order of said mortgages, I will sell at Public Auction as my Salesrooms in Honolulu, on

WEDNESDAY, FEB. 9TH, 1887

At 12 o'clock noon,

The property covered by said mortgage viz :

1st. All those certain pleces and parcels of land situated at Kahana, Koolauloa, Oahn, and being the same described in Royal Patent No. 29131/4 Kuleana No. 10,394.

2d. All those pieces and parcels of land situated at Kahana, Koolauloa, Oahn, aforesaid, described in Royal Patent No. 2,9141/4 Kuleana 7853.

The aforesaid being the same lands conveyed to said W. L. Holokahiki by deed from Pililua Kunla, dated April 9, 1877, recorded in Liber 59 on page 20.

Terms Cash and deeds at expense of purchaser. For further particulars enquire of LEWIS J. LEVEY,

Auctioneer. Or to Whiting & Cheminton, Att'ys at law.

Mortgagee's Notice of Sale. BY DIRECTION OF J. P. MEN-ture of mortgage dated April 31st, 1885, made by John Robello to said J. P. Mendonca, I will sell at Public Auction, on

SATURDAY, FEB. 19TH, 1887

At 12 o'clock noon,

At my Salesroom in Honolulu, Oaku, all that certain parcel of land situate at Keoneula, Kapalama, in said Honolulu, and more particularly described as follows:

E hoomaka ana ma ke kihi hikina e pili ana me ko Kealoha, alaifa e holo ana.

For further particulars inquire of LEWIS J. LEVEY,

Or to CECH BROWN, Att'y for Mortgages. Auction Sales.

# BY E. P. ADAMS & CO. Regular Cash Sale!

At 10 o'clock a. m., at our Salesroom, Queen Street, we will sell at Public Auction.

# ON FRIDAY, FEBRUARY 4

CLOTHING, Tweeds, Cassimeres.

GROCERIES, S'ES SUGAR, S'ES CORN, 1 4-Wheel Express Wagon!

Household Furniture,

One California Brake, Also the Stock of a Retail Store, consisting

of DRY GOODS, GLASSWARE, CROCK-ERY, HARDWARE, ETC., ETC. Sacks of "Drift Snow" Flour,

Sacks "California Mills" Flour. Sacks Whole Barley, Sacks Corn. Cases Kerosene Oli. &c. &c. E. P. ADAMS & CO.,

Administrator's Notice. THE UNDERSIGNED HAV-

THE UNDERSIGNED HAVing been duly appointed Administrator
of the Estate of DOMINGO LOPES RAMOS,
late of Kalihi, deceased, all persons having
claims against the Estate are hereby notified to
present the same, duly verified, to the undersigned, within six months from this date; and
all persons indebted to said Estate or having any
property belonging to the Estate or having any
property belonging to the Estate in their possession are requested to make immediate settlement
with me for the same.

J. P. MENDONCA,
Temporary Administrator of Estate of Domingo
Lopes Ramos.
Honolnin, Dec 17, 1886.

the relative to the Parisher than as far cuation of these enterprises by liberally patronizing them to the mutual satisfaction of all concerned.

strides now-a-days.

flow on Monday morning, Jan. 24th.

The "Young Ladies' Cookery Club" at Walluku gave a dinner on the 22d instant at the house of Mrs. M. E. Sharratt, which was

for, from the public freasury. Section 3 provides that

he had all the passengers she could possibly occommodate. The following is a list of

McCarthy, Harry Lee, Jas. T. White, Jas. A. Keola, Mr. Hutchinson, Miss Margaret Mc-These two trips have been placed at a low figure by both companies, and are within the reach of all. The charge by the Hall to Ho-nuapo and return being fixed at \$20-giving nan's time table is as follows: Leaving Ho-nolulu at 4 p. m., touching at Lahaina 11 p. m.; Maalaca, Tuesday, at 1° a. m.; Makena at 8° a. m.; Kawaihac at 8:30° a. m.; Mahukona at 10 a. m. Will leave Mahukona at 2 p. m., proceeding direct to the Lava Flow, arriving at 9 p. m., giving passengers until 4 p. m. on Wednesday to view the flow. The steamer will then proceed to Hilo, arriving at 6 a. m., will have a view of Hilo and Hamakua Coast and Waipio Gulch, by daylight, arriving at Mahukona at 6 a. m., Friday: passengers can

where, the whole expense, including meals, railroad fare to Kohala from Mahukona, etc., being placed at the moderate figure of \$25.

The public have shown a thorough appre-